

110TH CONGRESS  
1ST SESSION

# S. 570

To designate additional National Forest System lands in the State of Virginia as wilderness or a wilderness study area, to designate the Kimberling Creek Potential Wilderness Area for eventual incorporation in the Kimberling Creek Wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 13, 2007

Mr. WARNER (for himself and Mr. WEBB) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To designate additional National Forest System lands in the State of Virginia as wilderness or a wilderness study area, to designate the Kimberling Creek Potential Wilderness Area for eventual incorporation in the Kimberling Creek Wilderness, to establish the Seng Mountain and Bear Creek Scenic Areas, to provide for the development of trail plans for the wilderness areas and scenic areas, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “Virginia Ridge and Valley Act of 2007”.

4 (b) TABLE OF CONTENTS.—The table of contents for  
5 this Act is as follows:

Sec. 1. Short title and table of contents.

Sec. 2. Designation of additional National Forest System lands in Jefferson  
National Forest, Virginia, as wilderness or a wilderness study  
area.

Sec. 3. Designation of Kimberling Creek Potential Wilderness Area, Jefferson  
National Forest, Virginia.

Sec. 4. Designation of Seng Mountain and Bear Creek Scenic Areas, Jefferson  
National Forest, Virginia.

Sec. 5. Trail plan and development.

6 **SEC. 2. DESIGNATION OF ADDITIONAL NATIONAL FOREST**  
7 **SYSTEM LANDS IN JEFFERSON NATIONAL**  
8 **FOREST, VIRGINIA, AS WILDERNESS OR A**  
9 **WILDERNESS STUDY AREA.**

10 (a) DESIGNATION OF WILDERNESS.—Section 1 of  
11 Public Law 100–326 (102 Stat. 584; 16 U.S.C. 1132  
12 note), as amended by Public Law 106–471 (114 Stat.  
13 2057), is further amended—

14 (1) in the matter preceding paragraph (1), by  
15 striking “System—” and inserting “System:”;

16 (2) by striking “certain” at the beginning of  
17 paragraphs (1) through (8) and inserting “Certain”;

18 (3) by striking the semicolon at the end of  
19 paragraphs (1) through (6) and inserting a period;

20 (4) by striking “; and” at the end of paragraph

21 (7) and inserting a period; and

1           (5) by adding at the end the following new  
2 paragraphs:

3           “(9) Certain lands in the Jefferson National  
4 Forest, which comprise approximately 3,769 acres,  
5 as generally depicted on the map entitled ‘Brush  
6 Mountain and Brush Mountain East’ and dated  
7 February 2007, and which shall be known as the  
8 Brush Mountain East Wilderness.

9           “(10) Certain lands in the Jefferson National  
10 Forest, which comprise approximately 4,794 acres,  
11 as generally depicted on the map entitled ‘Brush  
12 Mountain and Brush Mountain East’ and dated  
13 February 2007, and which shall be known as the  
14 Brush Mountain Wilderness.

15           “(11) Certain lands in the Jefferson National  
16 Forest, which comprise approximately 4,223 acres,  
17 as generally depicted on the map entitled ‘Seng  
18 Mountain and Raccoon Branch’ and dated February  
19 2007, and which shall be known as the Raccoon  
20 Branch Wilderness.

21           “(12) Certain lands in the Jefferson National  
22 Forest, which comprise approximately 3,270 acres,  
23 as generally depicted on the map entitled ‘Stone  
24 Mountain’ and dated February 2007, and which  
25 shall be known as the Stone Mountain Wilderness.

1           “(13) Certain lands in the Jefferson National  
2       Forest, which comprise approximately 8,470 acres,  
3       as generally depicted on the map entitled ‘Hunting  
4       Camp Creek and Garden Mountain’ and dated Feb-  
5       ruary 2007, and which shall be known as the Hunt-  
6       ing Camp Creek Wilderness.

7           “(14) Certain lands in the Jefferson National  
8       Forest, which comprise approximately 3,291 acres,  
9       as generally depicted on the map entitled ‘Hunting  
10      Camp Creek and Garden Mountain’ and dated Feb-  
11      ruary 2007, and which shall be known as the Gar-  
12      den Mountain Wilderness.

13          “(15) Certain lands in the Jefferson National  
14      Forest, which comprise approximately 5,476 acres,  
15      as generally depicted on the map entitled ‘Mountain  
16      Lake Additions’ and dated February 2007, and  
17      which are hereby incorporated in the Mountain Lake  
18      Wilderness designated by section 2(6) of the Vir-  
19      ginia Wilderness Act of 1984 (Public Law 98–586;  
20      98 Stat. 3105).

21          “(16) Certain lands in the Jefferson National  
22      Forest, which comprise approximately 308 acres, as  
23      generally depicted on the map entitled ‘Lewis Fork  
24      Addition and Little Wilson Creek Additions’ and  
25      dated February 2007, and which are hereby incor-

1       porated in the Lewis Fork Wilderness designated by  
2       section 2(3) of the Virginia Wilderness Act of 1984  
3       (Public Law 98–586; 98 Stat. 3105).

4           “(17) Certain lands in the Jefferson National  
5       Forest, which comprise approximately 1,845 acres,  
6       as generally depicted on the map entitled ‘Lewis  
7       Fork Addition and Little Wilson Creek Additions’  
8       and dated February 2007, and which are hereby in-  
9       corporated in the Little Wilson Creek Wilderness  
10      designated by section 2(5) of the Virginia Wilder-  
11      ness Act of 1984 (Public Law 98–586; 98 Stat.  
12      3105).

13          “(18) Certain lands in the Jefferson National  
14      Forest, which comprise approximately 2,249 acres,  
15      as generally depicted on the map entitled ‘Shawvers  
16      Run Additions’ and dated February 2007, and  
17      which are hereby incorporated in the Shawvers Run  
18      Wilderness designated by paragraph (4).

19          “(19) Certain lands in the Jefferson National  
20      Forest, which comprise approximately 1,203 acres,  
21      as generally depicted on the map entitled ‘Peters  
22      Mountain Addition’ and dated February 2007, and  
23      which are hereby incorporated in the Peters Moun-  
24      tain Wilderness designated by section 2(7) of the

1 Virginia Wilderness Act of 1984 (Public Law 98–  
2 586; 98 Stat. 3105).

3 “(20) Certain lands in the Jefferson National  
4 Forest, which comprise approximately 263 acres, as  
5 generally depicted on the map entitled ‘Kimberling  
6 Creek Additions and Potential Wilderness Area’ and  
7 dated February 2007, and which are hereby incor-  
8 porated in the Kimberling Creek Wilderness des-  
9 ignated by section 2(2) of the Virginia Wilderness  
10 Act of 1984 (Public Law 98–586; 98 Stat. 3105).”.

11 (b) DESIGNATION OF WILDERNESS STUDY AREA.—  
12 Section 6(a) of the Virginia Wilderness Act of 1984 (Pub-  
13 lic Law 98–586; 98 Stat. 3108) is amended—

14 (1) by striking “certain” at the beginning of  
15 paragraphs (1) through (4) and inserting “Certain”;

16 (2) by striking the semicolon at the end of  
17 paragraphs (1) and (2) and inserting a period;

18 (3) by striking “; and” at the end of paragraph  
19 (3) and inserting a period; and

20 (4) by adding at the end the following new  
21 paragraph:

22 “(5) Certain lands in the Jefferson National  
23 Forest, which comprise approximately 3,226 acres,  
24 as generally depicted on a map entitled ‘Lynn Camp  
25 Creek Wilderness Study Area’ and dated February

1       2007, and which shall be known as the Lynn Camp  
2       Creek Wilderness Study Area.”.

3       (c) MAPS AND LEGAL DESCRIPTIONS.—

4           (1) FILING.—As soon as practicable after the  
5       date of the enactment of this Act, the Secretary of  
6       Agriculture shall file with the Committee on Agri-  
7       culture, Nutrition, and Forestry of the Senate and  
8       the Committee on Natural Resources and the Com-  
9       mittee on Agriculture of the House of Representa-  
10      tives a map and legal description of each wilderness  
11      area designated or expanded by the amendments  
12      made by subsection (a) and of the Lynn Camp  
13      Creek Wilderness Study Area designated by the  
14      amendment made by subsection (b).

15          (2) FORCE AND EFFECT.—The maps and legal  
16      descriptions referred to in paragraph (1) shall have  
17      the same force and effect as if included in this Act,  
18      except that the Secretary of Agriculture may correct  
19      clerical and typographical errors in the maps and de-  
20      scriptions. In the case of any discrepancy between  
21      the acreage specified in the amendments made by  
22      subsection (a) or (b) and the corresponding map  
23      filed under paragraph (1), the map shall control.

24          (3) AVAILABILITY.—The maps and legal de-  
25      scriptions referred to in paragraph (1) shall be on

1 file and available for public inspection in the Office  
2 of the Chief of the Forest Service.

3 (d) ADMINISTRATION.—

4 (1) NEW WILDERNESS AREAS.—Subject to valid  
5 existing rights, the Secretary of Agriculture shall ad-  
6 minister the lands in the Jefferson National Forest  
7 designated as a new wilderness area by the amend-  
8 ments made by subsection (a) in accordance with  
9 this section and the Wilderness Act (16 U.S.C. 1131  
10 et seq.), except that, with respect to such lands, any  
11 reference in the Wilderness Act to the effective date  
12 of that Act shall be deemed to be a reference to the  
13 date of the enactment of this Act.

14 (2) EXPANDED WILDERNESS AREAS.—Subject  
15 to valid existing rights, the Secretary of Agriculture  
16 shall administer the lands in the Jefferson National  
17 Forest designated as wilderness and incorporated  
18 into an existing wilderness area by the amendments  
19 made by subsection (a) in accordance with this sec-  
20 tion, the Wilderness Act (16 U.S.C. 1131 et seq.),  
21 and other laws applicable to that wilderness area,  
22 except that, with respect to such lands, any ref-  
23 erence in the Wilderness Act to the effective date of  
24 that Act shall be deemed to be a reference to the  
25 date of the enactment of this Act.



1 **SEC. 3. DESIGNATION OF KIMBERLING CREEK POTENTIAL**  
2 **WILDERNESS AREA, JEFFERSON NATIONAL**  
3 **FOREST, VIRGINIA.**

4 (a) DESIGNATION.—In furtherance of the purposes of  
5 the Wilderness Act (16 U.S.C. 1131 et seq.), certain lands  
6 in the Jefferson National Forest, which comprise approxi-  
7 mately 349 acres, as generally depicted on the map enti-  
8 tled “Kimberling Creek Additions and Potential Wilder-  
9 ness Area” and dated February 2007, are designated as  
10 a potential wilderness area for eventual incorporation in  
11 the Kimberling Creek Wilderness designated by section  
12 2(2) of the Virginia Wilderness Act of 1984 (Public Law  
13 98–586; 98 Stat. 3105).

14 (b) MAP AND LEGAL DESCRIPTIONS.—

15 (1) FILING.—As soon as practicable after the  
16 date of the enactment of this Act, the Secretary of  
17 Agriculture shall file with the Committee on Agri-  
18 culture, Nutrition, and Forestry of the Senate and  
19 the Committee on Natural Resources and the Com-  
20 mittee on Agriculture of the House of Representa-  
21 tives a map and legal description of potential wilder-  
22 ness area.

23 (2) FORCE AND EFFECT.—The map and legal  
24 description referred to in paragraph (1) shall have  
25 the same force and effect as if included in this Act,  
26 except that the Secretary of Agriculture may correct

1 clerical and typographical errors in the map and de-  
2 scription. In the case of any discrepancy between the  
3 acreage specified in subsection (a) and the map filed  
4 under paragraph (1), the map shall control.

5 (3) AVAILABILITY.—The map and legal descrip-  
6 tion referred to in paragraph (1) shall be on file and  
7 available for public inspection in the Office of the  
8 Chief of the Forest Service.

9 (c) MANAGEMENT.—Except as provided in subsection  
10 (d) and subject to valid existing rights, the Secretary of  
11 Agriculture shall manage the potential wilderness area as  
12 wilderness pending its incorporation in the Kimberling  
13 Creek Wilderness.

14 (d) ECOLOGICAL RESTORATION.—

15 (1) IN GENERAL.—For purposes of ecological  
16 restoration (including the elimination of non-native  
17 species, removal of illegal, unused, or decommis-  
18 sioned roads, and any other activities necessary to  
19 restore the natural ecosystems in the potential wil-  
20 derness area), the Secretary of Agriculture may use  
21 motorized equipment and mechanized transport in  
22 the potential wilderness area until its incorporation  
23 in the Kimberling Creek Wilderness.

24 (2) LIMITATION.—To the maximum extent  
25 practicable, the Secretary shall use the minimum

1 tool or administrative practice necessary to accom-  
2 plish ecological restoration with the least amount of  
3 adverse impact on wilderness character and re-  
4 sources.

5 (e) WILDERNESS DESIGNATION.—The potential wil-  
6 derness area shall be designated as wilderness and incor-  
7 porated in the Kimberling Creek Wilderness on the earlier  
8 of—

9 (1) the date on which the Secretary of Agri-  
10 culture publishes in the Federal Register notice that  
11 the conditions in the potential wilderness area that  
12 are incompatible with the Wilderness Act (16 U.S.C.  
13 1131 et seq.) have been removed; or

14 (2) the date that is five years after the date of  
15 the enactment of this Act.

16 (f) ADMINISTRATION.—Subject to valid existing  
17 rights, upon incorporation of the lands designated as wil-  
18 derness under subsection (e) in the Kimberling Creek Wil-  
19 derness, the Secretary of Agriculture shall administer the  
20 lands in accordance with the Wilderness Act (16 U.S.C.  
21 1131 et seq.) and other laws applicable to that wilderness  
22 area, except that, with respect to such lands, any reference  
23 in the Wilderness Act to the effective date of that Act shall  
24 be deemed to be a reference to the date on which the lands  
25 are designated as wilderness under subsection (e).

1 **SEC. 4. DESIGNATION OF SENG MOUNTAIN AND BEAR**  
2 **CREEK SCENIC AREAS, JEFFERSON NA-**  
3 **TIONAL FOREST, VIRGINIA.**

4 (a) ESTABLISHMENT.—The following National For-  
5 est System lands in the State of Virginia are hereby des-  
6 ignated as National Scenic Areas (in this section referred  
7 to as the “scenic areas”):

8 (1) Certain lands in the Jefferson National  
9 Forest, which comprise approximately 6,455 acres,  
10 as generally depicted on the map entitled “Seng  
11 Mountain and Raccoon Branch” and dated February  
12 2007, and which shall be known as the Seng Moun-  
13 tain National Scenic Area.

14 (2) Certain lands in the Jefferson National  
15 Forest, which comprise approximately 5,128 acres,  
16 as generally depicted on the map entitled “Bear  
17 Creek” and dated February 2007, and which shall  
18 be known as the Bear Creek National Scenic Area.

19 (b) MAPS AND LEGAL DESCRIPTIONS.—

20 (1) FILING.—As soon as practicable after the  
21 date of the enactment of this Act, the Secretary of  
22 Agriculture shall file with the Committee on Agri-  
23 culture, Nutrition, and Forestry of the Senate and  
24 the Committee on Natural Resources and the Com-  
25 mittee on Agriculture of the House of Representa-

1       tives a map and legal description of each of the sce-  
2       nic areas.

3           (2) FORCE AND EFFECT.—The maps and legal  
4       descriptions referred to in paragraph (1) shall have  
5       the same force and effect as if included in this Act,  
6       except that the Secretary of Agriculture may correct  
7       clerical and typographical errors in the maps and de-  
8       scriptions. In the case of any discrepancy between  
9       the acreage specified in subsection (a) and the cor-  
10      responding map filed under paragraph (1), the map  
11      shall control.

12          (3) AVAILABILITY.—The maps and legal de-  
13      scriptions referred to in paragraph (1) shall be on  
14      file and available for public inspection in the Office  
15      of the Chief of the Forest Service.

16          (c) PURPOSES OF SCENIC AREAS.—The scenic areas  
17      are established for the purposes of—

18           (1) ensuring the protection and preservation of  
19      scenic quality, water quality, natural characteristics,  
20      and water resources;

21           (2) protecting wildlife and fish habitat, con-  
22      sistent with paragraph (1);

23           (3) protecting areas that may develop charac-  
24      teristics of old-growth forests; and

1           (4) providing a variety of recreation opportuni-  
2 ties, consistent with the preceding paragraphs.

3           (d) ADMINISTRATION.—

4           (1) IN GENERAL.—The Secretary of Agriculture  
5 shall administer the scenic areas in accordance with  
6 this section and the laws and regulations generally  
7 applicable to the National Forest System. In the  
8 event of conflict between this section and other laws  
9 and regulations, this section shall take precedence.

10          (2) CONSISTENT USE.—The Secretary shall  
11 only allow such uses of the scenic areas as the Sec-  
12 retary finds will further the purposes for which the  
13 scenic areas are established.

14          (e) MANAGEMENT PLAN.—Within two years after the  
15 date of the enactment of this Act, the Secretary of Agri-  
16 culture shall develop a management plan for the scenic  
17 areas consistent with this section. The management plan  
18 shall be developed as an amendment to the land and re-  
19 source management plan for the Jefferson National For-  
20 est, except that nothing in this section requires the Sec-  
21 retary to revise the land and resource management plan  
22 for the Jefferson National Forest pursuant to section 6  
23 of the Forest and Rangeland Renewable Resources Plan-  
24 ning Act of 1974 (16 U.S.C. 1604).

1 (f) ROADS.—After the date of the enactment of this  
2 Act, no roads shall be established or constructed within  
3 the scenic areas, except that this prohibition shall not be  
4 construed to deny access to private lands or interests  
5 therein in the scenic areas.

6 (g) VEGETATION MANAGEMENT.—No timber harvest  
7 shall be allowed within the scenic areas, except as the Sec-  
8 retary of Agriculture finds necessary in the control of fire,  
9 insects, and diseases and to provide for public safety and  
10 trail access. Notwithstanding the preceding sentence, the  
11 Secretary may engage in vegetation manipulation prac-  
12 tices for maintenance of existing wildlife clearings and vis-  
13 ual quality. Firewood may be harvested for personal use  
14 along perimeter roads under such conditions as the Sec-  
15 retary may impose.

16 (h) MOTORIZED TRAVEL.—Motorized travel shall not  
17 be permitted within the scenic areas, except that the Sec-  
18 retary of Agriculture may authorize motorized travel with-  
19 in the scenic areas—

20 (1) as necessary for administrative use in fur-  
21 therance of the purposes of this section;

22 (2) in support of wildlife management projects  
23 in existence as of the date of the enactment of this  
24 Act; and

1           (3) on Forest Development Road 9410 and 84b  
2           during deer and bear hunting seasons.

3           (i) FIRE.—Wildfires in the scenic area shall be sup-  
4           pressed in a manner consistent with the purposes of this  
5           section, using such means as the Secretary of Agriculture  
6           considers appropriate.

7           (j) INSECTS AND DISEASE.—Insect and disease out-  
8           breaks may be controlled in the scenic areas to maintain  
9           scenic quality, prevent tree mortality, reduce hazards to  
10          visitors, or protect private lands.

11          (k) WATER.—The Secretary of Agriculture shall ad-  
12          minister the scenic areas so as to maintain and enhance  
13          water quality.

14          (l) MINING WITHDRAWAL.—Subject to valid existing  
15          rights, all federally owned lands in the scenic areas are  
16          withdrawn from location, entry, and patent under the min-  
17          ing laws of the United States and from leasing claims  
18          under the mineral and geothermal leasing laws of the  
19          United States, including amendments to such laws.

20   **SEC. 5. TRAIL PLAN AND DEVELOPMENT.**

21          (a) TRAIL PLAN.—The Secretary of Agriculture shall  
22          establish a trail plan for National Forest System lands  
23          described in this subsection in order to develop the fol-  
24          lowing:



1           (1) Hiking and equestrian trails on the lands in  
2           the Jefferson National Forest designated as wilder-  
3           ness by the amendments made by section 2(a), in a  
4           manner consistent with the Wilderness Act (16  
5           U.S.C. 1131 et seq.).

6           (2) Nonmotorized recreation trails within the  
7           Seng Mountain and Bear Creek Scenic Areas des-  
8           ignated by section 4.

9           (b) CONSULTATION.—The Secretary of Agriculture  
10          shall establish the trail plan in consultation with interested  
11          parties.

12          (c) IMPLEMENTATION REPORT.—Not later than two  
13          years after the date of the enactment of this Act, the Sec-  
14          retary of Agriculture shall submit to Congress a report  
15          on the implementation of the trail plan, including the iden-  
16          tification of priority trails for development.

17          (d) TRAIL REQUIRED.—The Secretary of Agriculture  
18          shall develop a sustainable trail, using a contour curvi-  
19          linear alignment, to provide a continuous connection for  
20          non-motorized travel between County Route 650 and For-  
21          est Development Road 4018 in Smyth County, Virginia.

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